

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH INC.; DEUTSCHE BANK  
SECURITIES INC.; GOLDMAN, SACHS &  
CO., INC; J.P. MORGAN SECURITIES LLC;  
and RBS SECURITIES INC.,

Defendants.

Civil Action No. 3:11-30285-MAP

**ASSENTED-TO MOTION FOR EXTENSION OF TIME  
FOR MASSMUTUAL TO MOVE TO STRIKE CERTAIN DEFENSES  
ASSERTED IN DEFENDANTS' ANSWERS, AND  
EXTENSION OF TIME FOR DEFENDANTS TO AMEND THEIR ANSWERS**

Plaintiff Massachusetts Mutual Life Insurance Company (“MassMutual”) hereby moves for an extension of its time to move to strike certain defenses asserted in the answers (the “Answers”) filed in the above-captioned action (the “Action”), as stipulated to by the parties, through their undersigned counsel, as set forth below. Defendants Merrill Lynch, Pierce, Fenner & Smith Inc., Deutsche Bank Securities Inc., Goldman, Sachs & Co., Inc., J.P. Morgan Securities LLC, and RBS Securities Inc. (collectively, “Defendants”), through their undersigned counsel, assent to this motion.

MassMutual commenced the Action by filing a complaint (the “Complaint”) in the United States District Court for the District of Massachusetts against Defendants. On March 30, 2012, Defendants filed their Answers to the Complaint.

MassMutual intends to file a motion to strike certain defenses asserted in the Answers, which is due on or before April 23, 2012 pursuant to Federal Rules of Civil Procedure 6(d) and 12(f).

To allow MassMutual and Defendants sufficient time to meet and confer in an attempt to narrow the defenses that will be the subject of the motion to strike, MassMutual and Defendants have conferred and stipulate and agree, subject to the approval of the Court, as follows:

1. The time for MassMutual to file a motion to strike certain defenses asserted in the Answers shall be extended up to and including April 27, 2012.
2. In addition, the time for Defendants to amend their Answers shall be extended up to and including April 25, 2012. If an amended answer is filed, the time for MassMutual to file any motion to strike shall be further extended up to and including May 9, 2012. MassMutual and Defendants agree that if an amended answer is filed, MassMutual need not conduct an additional meet and confer prior to filing any motion to strike.

3. Any motion by MassMutual to strike defenses in the Answers or any amended answers shall be briefed according to the following schedule (in addition to the deadlines set forth above for the filing of MassMutual's motion to strike):

- a) Defendants' opposition due 28 days after filing of the motion to strike;
- b) MassMutual shall be afforded the right to a reply brief, which shall be due 14 days after filing of Defendants' opposition.

WHEREFORE, the parties respectfully request that this Court:

- 1. Grant the instant motion to enter an Order per the terms stipulated to by the parties, as set forth herein.
- 2. Grant such further relief as may be just and proper.

DATED: April 20, 2012

Respectfully submitted,

/s/ Edward J. McDonough Jr.

Edward J. McDonough Jr. (BBO 331590)  
Stephen E. Spelman (BBO 632089)  
EGAN FLANAGAN AND COHEN, P.C.  
67 Market Street, P.O. Box 9035  
Springfield, Massachusetts 01102  
ejm@efcla.com  
ses@efclaw.com

*Of Counsel*

Philippe Z. Selendy  
Jennifer J. Barrett  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010-1601

*Counsel for Plaintiff Massachusetts Mutual  
Life Insurance Company*

/s/ Jeffrey L. McCormick

Jeffrey L. McCormick (BBO 329740)  
ROBINSON DONOVAN, P.C.  
1500 Main Street #1600  
Springfield, Massachusetts 01115  
(413) 732-2301  
jmccormick@Robinson-Donovan.com

*Counsel for Defendant J.P. Morgan  
Securities LLC*

/s/ Jeffrey B. Rudman

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Jeffrey B. Rudman (BBO 433380)  
Andrea J. Robinson (BBO 556337)  
Christopher B. Zimmerman (BBO 653854)  
Adam J. Hornstine (BBO 666296)  
Brian J. Boyle Jr. (BBO 676683)  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Tel.: (617) 526-6000  
Fax: (617) 526-5000

*Counsel for Defendant Merrill Lynch,  
Pierce, Fenner & Smith Inc.*

/s/ Mark A. Berthiaume

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Mark A. Berthiaume (BBO 041715)  
GREENBERG TRAURIG, LLP  
One International Place  
Boston, Massachusetts 02110  
Tel: (617) 310-6007  
Fax: (617) 310-6001

*Counsel for Defendant Goldman, Sachs &  
Co*

*Of Counsel*

Richard H. Klapper  
Theodore Edelman  
Stephanie G. Wheeler  
SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, New York 10004-2498  
Tel.: (212) 558-4000  
Fax: (212) 558-3588

*Counsel for Defendant Goldman, Sachs &  
Co*

/s/ Kathy B. Weinman

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Kathy B. Weinman (BBO No. 541993)  
Azure Abuirmeileh (BBO No. 670325)  
COLLORA LLP  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Telephone: (617) 371-1000  
Facsimile: (617) 371-1037  
kweinman@colorallp.com  
aabuirmeileh@collorallp.com

*Of Counsel*

Thomas C. Rice (trice@stblaw.com)  
David J. Woll (dwoll@stblaw.com)  
Alan Turner (aturner@stblaw.com)  
SIMPSON THACHER &  
BARTLETT LLP  
425 Lexington Avenue  
New York, NY 10017  
Telephone: (212) 455-2000  
Facsimile: (212) 455-2502

*Counsel for Defendants RBS Securities Inc.  
and Deutsche Bank Securities Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 20th day of April, 2012.

/s/ Edward J. McDonough Jr.

Edward J. McDonough Jr.